

REMARKS

This Amendment is in response to the Office action mailed on September 23, 2009. A petition for one month extension of time, with payment (by credit card authorization) for the requisite fee, is submitted herewith. In the event any additional fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Status of the Claims

Claim 25 is pending and is amended as follows: After “in a first direction”, the language “from the base to the top” is added, which is supported by the specification as originally filed, for example Figures 25 and 26, and does not add any new matter. Other amendments to claim 25 include: “the plane of the opposing sides” is amended to read “a plane of its respective side”, “the plane of the opposing sides” is amended to read “the plane of the respective side”, and “said respective side” (each instance) is amended to read “its respective side”. These amendments are to make the claim read better and do not add any new matter.

New dependent claim 29 is added, reciting “wherein each guide member has a substantially T-shaped cross section.” This is supported by the specification as-filed, para. [0019] of US 2007-0172293 A1, and does not add any new matter.

Claim Rejections

Claim 25 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Huss et al., U.S. Patent No. 6,520,696 (“Huss”), in view of Takeuchi, U.S. Patent No. 6,923,660 (“Takeuchi”).

Huss discloses a tape cassette with a latching rib 21 on its side for engaging with a latch member of a tape printer so as to securely hold the cassette within the printer. The Office action expresses a position that it would have been obvious for a person of ordinary skill in the art at the

time of the application to replace the latching rib of Huss with the T-shaped guide members of Tekeuchi for the purpose of providing a tight, secure connection in order to prevent an erroneous mounting of the apparatus. It is respectfully submitted that a person of ordinary skill in the art would not be led to combine Huss according to Tekeuchi as proposed in the Office action. First, the latching rib 21 of Huss fulfills a specific function, *i.e.* to engage with a latch member in the tape printer. Latching member 21 is therefore shaped so as to fulfill this function. In particular, it has a horizontally arranged planar surface to fulfill this function.

If the latching member 21 of Huss was replaced with the T-shaped guide members of Takeuchi, then this latching function would be lost. Such a modification would therefore change the principle of operation of Huss, contrary to MPEP Section 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art of the invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious.”). It is therefore respectfully requested that the rejection based on the proposed combination or modification of Huss in view of Takeuchi be withdrawn.

Furthermore, claim 25 has been amended to specify that the axis of rotation of the roll of print receiving medium extends from the base to the top of the cassette (*i.e.* in the “first direction”). The claim, as amended, also states that the guide members extend in a second direction perpendicular to the first direction. This makes the cassette of claim 25 particularly suited to lateral insertion into a printer. The Applicant respectfully submits that the guide members of Takeuchi are vertically arranged, and therefore would in fact hinder lateral insertion, contrary to claim 25.

Moreover, it is respectfully submitted that Takeuchi, which is directed to the field of electrical distribution boxes, relates to an art non-analogous to the label printer tape cassette art

to which the present application is directed. Reliance on Takeuchi, even as a secondary reference, is therefore respectfully submitted to be improper.

Claim 25 was further rejected as allegedly unpatentable over Huss in view of Harase, U.S. Patent No. 5,155,663 (“Harase”).

As discussed above with respect to the proposed combination or modification of Huss in view of Takeuchi, the proposed combination or modification of Huss in view of Harase would likewise be contrary to the teachings of those references. It is respectfully submitted that if the latching member of Huss was replaced with the T-shaped guide member of Harase, then the ability of the cassette of Huss to be latched into a tape printer would be lost. Accordingly, one of ordinary skill in the art would not make such a modification.

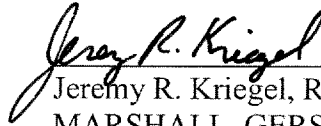
Harase is also respectfully submitted to be directed to art that is non-analogous to the label printer tape cassette art to which the present application is directed. Harase is in the technical field of memory cartridges. This is a technical field remote from that of tape printers, and therefore the person of ordinary skill in the art, when facing the problem to which the present application is directed, would not consider combining or modifying Huss according to the teachings of Harase.

New claim 29 is allowable over the cited references at least by virtue of its dependence upon claim 25.

In view of the amendments to claim 25 and the foregoing remarks, it is respectfully submitted that claims 25 and 29 are in condition for allowance. The Examiner’s reconsideration and favorable action are respectfully solicited.

Date: January 22, 2010

Respectfully submitted,

A handwritten signature in cursive script, reading "Jeremy R. Kriegel", is positioned above a horizontal line.

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